

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Amarylis Rivera	Team: Team # 6	CCRB Case #: 201400338	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/09/2014 12:35 PM	Location of Incident: In front of Kings County Hospital (451 Clarkson Avenue)	Precinct: 71	18 Mo. SOL 7/9/2015	EO SOL 7/9/2015	
Date/Time CV Reported Mon, 01/13/2014 8:12 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 01/13/2014 8:12 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Chin	16062	948524	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Chin	Abuse: PO Daniel Chin threatened to arrest § 87(2)(b)	
B.POM Daniel Chin	Discourtesy: PO Daniel Chin spoke rudely to § 87(2)(b)	

Case Summary

On January 13, 2014, § 87(2)(b) filed this complaint with the CCRB via the agency's call processing system (*encl. 3A*). On January 27, 2014, an OCD spin-off was created via CCRB case number 201400799 (*encl. 2A*) regarding the summonses § 87(2)(b) received as a result of this incident.

On January 21, 2014, mediation was offered to § 87(2)(b) but he chose to proceed with an investigation.

Civilian Statement

On January 21, 2014, § 87(2)(b) was interviewed at the CCRB (*encl. 5A-H*). On January 9, 2014, § 87(2)(b) a § 87(2)(b) cab driver, was driving on Clarkson Avenue in Brooklyn to pick up a costumer at SUNY Downstate Hospital. § 87(2)(b) observed approximately seven parked vehicles, and a marked car. PO Daniel Chin of the 71st Precinct, identified by § 87(2)(b) via summons, was the only occupant of the marked car. § 87(2)(b) drove forward on Clarkson Avenue towards New York Avenue, slowly, and parked in front of an Access-A-Ride vehicle. PO Chin turned on his lights and informed § 87(2)(b) to stop his vehicle via speaker. § 87(2)(b) made a left "U" turn and stopped in front of Kings County Hospital emergency exit; PO Chin followed § 87(2)(b) in the marked car. § 87(2)(b) stepped out of his vehicle.

PO Chin exited the marked car and told § 87(2)(b) "You are going to jail, mother fucker" (**Allegations A and B**). § 87(2)(b) returned inside of his vehicle and closed the driver's side door. § 87(2)(b) proceeded to call 911 and requested that a "detective" arrive on scene. PO Chin also called for additional units to respond, because § 87(2)(b) was uncooperative.

Multiple unidentified officers then responded to the location; one of whom asked § 87(2)(b) for his registration. § 87(2)(b) informed him that it was in his glove compartment and provided him consent to retrieve the document. The officer subsequently retrieved it.

Once PO Chin had received all of § 87(2)(b)'s vehicle documentation, he entered the marked vehicle and wrote two summonses for § 87(2)(b). § 87(2)(b) returned to his vehicle and thereafter was issued the two summonses by PO Chin (*encl. 5E-F*); one was for failure to comply with police officers and the second was for obstructing vehicular traffic.

NYPD Statements

On January 9, 2014, PO Chin notated in his memo book that he had called for additional units to arrive at the location of 451 Clarkson Avenue at 12:34 p.m. At 12:35 p.m., one car stopped in front of 450 Clarkson Avenue in Brooklyn; the driver of the 2011 black Nissan Pathfinder was § 87(2)(b). Observed § 87(2)(b) traveling eastbound on Clarkson Avenue headed to New York Avenue. § 87(2)(b) double parked his vehicle and waited to be moved. § 87(2)(b) then moved to the far left lane and stopped and did not move. Traffic light turned green and the white truck parked in front of § 87(2)(b) moved. Approximately ten to fifteen cars travelled eastbound on Clarkson Avenue. § 87(2)(b) then moved to in front of Kings County Hospital Parking Lot (451 Clarkson Avenue). § 87(2)(b) refused to produce driver's license and stated, "No, I will not, I am calling a detective." § 87(2)(b) was notified that he had failed to comply, and patrol supervisor, Sgt. Orecchia, was notified. At 13:05 p.m., two summonses issued (*encl. 7A-D*) # § 87(2)(b) and # § 87(2)(b) (*encl. 6A-D*).

On April 15, 2014, PO Daniel Chin was interviewed at the CCRB (*encl. 8A-C*). PO Chin's statement corroborated his memo book entries and most of § 87(2)(b)'s statement. PO Chin's and § 87(2)(b)'s statements diverged mainly with regards to the allegations: When § 87(2)(b) exited his vehicle, PO Chin claimed that he simply instructed him to return to the vehicle. He denied saying, "You are going to jail, mother fucker," as alleged by § 87(2)(b). PO Chin also added that, soon after, when he requested § 87(2)(b)'s vehicle documentation several times, § 87(2)(b) refused to produce it, thereby failing to comply with a police order.

Surveillance Footage

Surveillance footage from SUNY Downstate Hospital and Kings County Hospital was received for this incident. The surveillance footage from both hospitals corroborated § 87(2)(b)'s and PO Chin's account of the incident. However, the surveillance footage from both hospitals did not have sound and was unable to confirm or refute the discourtesy allegation (*encl. 9A-C*).

Conclusion

Identification of Subject Officers

PO Daniel Chin admitted to his interaction with § 87(2)(b). Therefore, **Allegations A and B** are pleaded against him.

Allegations Not Pleaded

Because § 87(2)(b) was issued a summons for blocking vehicular traffic, specifically with his vehicle, the vehicle stop is rendered a summons dispute and is not pleaded.

§ 87(2)(b) stated that an unidentified officer, who responded later on, entered the glove compartment of his vehicle to retrieve his registration. However, § 87(2)(b) acknowledged that that he consented to this action. Therefore, a vehicle search allegation is not pleaded.

Investigative Findings and Recommendations

The following is undisputed: PO Chin stopped § 87(2)(b)'s § 87(2)(b) cab for blocking vehicular traffic. Upon being pulled over, § 87(2)(b) exited his § 87(2)(b) cab, at which point PO Chin exited his police vehicle and approached § 87(2)(b).

§ 87(2)(g). § 87(2)(b) alleged that, at that time, PO Chin said to him, "You are going to jail, mother fucker." PO Chin denied making this remark. Instead, he claimed that he simply instructed § 87(2)(b) to return to his vehicle without threatening to arrest him or using the word "mother fucker."

§ 87(2)(b), § 87(2)(g)
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Team: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date